

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RICKEY NELSON SWIFT,

Plaintiff,

v.

Case No. 08-C-591

**STATE OF WISCONSIN, MILWAUKEE COUNTY,
DENNIS GALL, and GRANT HUEBNER,**

Defendants,

ORDER

Plaintiff, Rickey Nelson Swift, who is incarcerated at the Milwaukee County Jail, filed this pro se civil rights complaint under 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Pursuant to the Prison Litigation Reform Act, the plaintiff is required to pay the statutory filing fee of \$350.00 for this action. See 28 U.S.C. § 1915(b)(1).

By order dated August 5, 2008, the plaintiff was ordered to forward to the Clerk of Court by August 26, 2008 the sum of \$41.26 as an initial partial filing fee in this action. The plaintiff was advised that, upon payment of this fee, the court would determine whether the action can proceed in forma pauperis. To date the plaintiff has not paid this partial filing fee. From this failure to pay the initial filing fee this court infers that the plaintiff no longer wants to prosecute this action. Therefore, the court will dismiss this case without prejudice.

NOW, THEREFORE, IT IS ORDERED that this action be and hereby is dismissed without prejudice for failure to prosecute, and that the clerk enter judgment accordingly.

IT IS ALSO ORDERED that copies of this order be sent to the warden of the institution where the inmate is confined and to Corey F. Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857.

Dated at Milwaukee, Wisconsin, this 31 day of October, 2008.

/s _____
LYNN ADELMAN
District Judge